

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.73689 of 2018

In
Criminal Writ Jurisdiction Case No.898 of 2018

Arising Out of PS. Case No.- Year- Thana- District- Patna

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Binod Ray, son of Yadunandan Ray, resident of village – Bishunpur
Rajkhand, P.S. - Bidupur, District – Vaishali.

... .. Petitioner

Versus

1. The State of Bihar, Through Principal Secretary, Prohibition, Excise And
Registration Department, Govt. Of Bihar, Patna
2. The District Magistrate, Patna.
3. The Superintendent of Excise, Patna.
4. The Senior Superintendent of Police, Patna.
5. The Officer-in-Charge of Didarganj Police Station, District – Patna.
6. Investigating Officer, Didarganj P.S. Case No. 195/17, Didarganj P.S.,
District – Patna.

... .. Opposite Parties.

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Appearance :

For the Petitioner/s : Mr. Mukesh Kumar
For the Opposite Party/s : Mr. Sri Anil Kumar

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CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

2 12-12-2018 While passing the order dated 03.05.2018 passed in

Cr.W.J.C. No. 898 of 2018, this court had issued direction to the

Confiscating Authority to release the vehicle in question subject

to the conditions mentioned therein.

Learned counsel for the petitioner submits that in fact

no confiscation proceeding has been initiated in this case,

therefore, the District Magistrate, Patna is unable to accept the

sureties and take other necessary steps towards release of the

vehicle.

Learned counsel submits that in the cases where no

confiscation proceeding is pending this court is invariably



directing the court below i.e. the Special Judge, Excise to accept the sureties and do the needful towards release.

Taking note of the aforesaid submissions, the order dated 03.05.2018 is modified to the extent that now the petitioner will furnish the surety bond as per the said order in the court of learned Special Judge, Excise, Patna and he will also comply with the other undertakings to the satisfaction of the said court and on the petitioner satisfying the conditions mentioned in the order dated 03.05.2018, the learned Special Judge, Excise Court, Patna shall direct release of the vehicle within a period of seven (7) days from the date of submission of the surety bonds and the undertakings.

Accordingly, this Modification Application stands disposed of.

(Rajeev Ranjan Prasad, J)

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